

City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING & DEVELOPMENT

Project Number: 3013904

Applicant Name: Ginger Garff of Johnston Architects PLLC for Kenneth

Coleman

Address of Proposal: 1366 31st Ave S

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 3 story building, containing 18 residential units above 5,178 sq. ft. of retail. Enclosed at grade parking for 21 vehicles to be provided on site.

The following Master Use Permit components are required:

Design Review (SMC Chapter 23.41) with Development Standard Departures:

- 1. Street Level Development Standards (SMC 23.47A.008.B.2)
- 2. Setback Requirements (SMC 23.47A.014.B.3)
- 3. Parking Space Standards (SMC 23.54.030.E)
- 4. Site Triangle (SMC 23.54.030.G)
- 5. Setback Requirements (SMC 23.47A.014.B.5)

SEPA-Environmental Determination (Chapter 25.05 SMC)

DPD SEPA DETERMINATION:

Determination of Non-significance

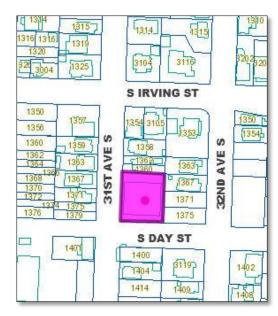
No mitigating conditions of approval are imposed.
Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

Site Zone: NC1-30

Nearby Zones: LR1 to the north, SF 5000 to the east

Lot Area: 11,500 square feet.

<u>Project Description:</u> The proposal is for a three story mixed use building with 18 residential units located on two floors above approximately 5,000 sq. ft. of retail space and enclosed parking at grade, for approximately 21 spaces. Access to parking is from S Day Street. A partial basement will provide storage areas for the residents. Approximately 9,500 truck cubic yards (TCY) of soil will be removed and 7,500 truck cubic yards of soil will be backfilled.



<u>Current Development:</u> The site is currently vacant. There are thick hedges along the north and east lot lines, a mature evergreen tree at the NW corner, and three deciduous trees along the southern side of the lot. The site is relatively flat with a grade change of about two feet from the high point at the NW corner and the low point at the SE corner.

<u>Access:</u> The site fronts on 31st Ave S and S. Day St. There is an existing curb cut along 31st Ave S left over from past development of the site.

<u>Surrounding Development:</u> The currently vacant site abuts properties with townhouses to the north and single family houses to the east. Across Day St. S is a single story brick faced commercial building and the Thompson/LaTurner House built in 1900 which is a historical landmark. Recently built townhouses, and single family houses are located on the west side of 31st Ave. S.

ECA's: None

<u>Neighborhood Character:</u> The site is located in the Mt. Baker neighborhood on a ridge that commands views to both the east and west. Large stately houses and a few commercial building date to the early 1900's. Newer development includes townhouses and commercial structures. Ridge Viewpoint Park provides an overlook and views to the west. The I-90 tunnel and Mountain to Sound trail run underneath; a pedestrian connection is located on S Day Street.

DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: November 27, 2012

The EDG packet includes materials presented at the EDG meeting, and is available online by entering the project number 3013904 at this website:

http://www.seattle.gov/dpd/aboutus/news/events/DesignReview/SearchPastReviews/default.asp

The EDG packet is also available to view in the 3013904 EDG file, by contacting the Public Resource Center at DPD:

Application No. 3013904 Page 3

Mailing Public Resource Center Address: 700 Fifth Ave., Suite 2000

P.O. Box 34019

Seattle, WA 98124-4019

Email: PRC@seattle.gov

PUBLIC COMMENT

Comments solicited from the public included the following:

- The majority of the comments were in support of the project.
- Concern for privacy of neighbors to the north; would like existing hedges to remain; suggested build a two story building instead of three; stated garbage collection should not happen along north property line.
- Stated that the trees on site should remain.

FINAL RECOMMENDATION MEETING: August 6, 2013

The Recommendation packet includes materials presented at the Recommendation meeting, and is available online by entering the project number 3013904 at this website:

http://www.seattle.gov/dpd/aboutus/news/events/DesignReview/SearchPastReviews/default. asp or contacting the Public Resource Center at DPD:

Address: Public Resource Center

700 Fifth Ave., Suite 2000

Seattle, WA 98124

Email: PRC@seattle.gov

PUBLIC COMMENT

The following comments, issues and concerns were raised at this meeting:

- Concerned about the height, bulk and scale of the project along 31st Ave S and the potential impact on access to existing driveways north of the project.
- Concerned about the proposed colors of the project and encouraged more color.
- Stated support for the project and the proposed landscaping.
- Encouraged providing charging stations for electric cars in the garage.
- Encouraged the Board to recommend the project.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project.

The Neighborhood specific guidelines are summarized below. For the full text please visit the Design Review website.

Site Planning

A-2 <u>Streetscape Compatibility</u>. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

At the Early Design Guidance Meeting the Board indicated this guideline as highest priority but made no specific comments.

At the Recommendation Meeting the Board stated the project has been successful in addressing this guideline.

A-3 <u>Entrances Visible from the Street</u>. Entries should be clearly identifiable and visible from the street.

At the Early Design Guidance Meeting the Board identified this guideline as highest priority but made no specific comments.

At the Recommendation Meeting the Board stated the project has been successful in addressing this guideline. See Guideline D-12.

A-4 <u>Human Activity</u>. New development should be sited and designed to encourage human activity on the street.

At the Early Design Guidance Meeting, the Board identified this guideline as highest priority but made no specific comments.

At the Recommendation Meeting the Board stated the project has been successful in addressing this guideline.

A-5 <u>Respect for Adjacent Sites</u>. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

At the Early Design Guidance Meeting, the Board stated concerns with minimizing the required upper story residential setback along the North property line in Scheme C.

At the Recommendation Meeting the Board stated the project has been successful in addressing this guideline. See Guideline D-2.

A-7 <u>Residential Open Space</u>. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

At the Early Design Guidance Meeting, the Board agreed that they would like to see more landscaping at the residential entry.

At the Recommendation Meeting the Board stated the project has been successful in addressing this guideline.

A-8 <u>Parking and Vehicle Access</u>. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

At the Early Design Guidance Meeting, the Board was concerned that the parking entry off of S Day street is too prominent and its appearance should be minimized. See Guideline C-5.

At the Recommendation Meeting the Board encouraged and granted a departure to use mirrors to replace the site triangle function thus reducing the size of the opening into the garage.

A-10 <u>Corner Lots.</u> Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

At the Early Design Guidance Meeting, the Board briefly discussed the potential treatment of the corner of the structure at 31st Ave S and S Day St. The Board encouraged a corner design that is activated but not be overly prominent in the overall design of the structure.

At the Recommendation Meeting the Board stated the project has been successful in addressing this guideline.

B. Height, Bulk and Scale

B-1 <u>Height, Bulk, and Scale Compatibility</u>. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

At The Early Design Guidance Meeting the Board indicated this guideline as highest priority but made no specific comments.

At the Recommendation Meeting the Board stated the project has been successful in addressing this guideline.

C. Architectural Elements and Materials

C-1 <u>Architectural Context</u>. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

At the Early Design Guidance Meeting, the Board noted this guideline as highest priority and it will be reviewed at the Recommendation phase.

At the Recommendation Meeting the Board encouraged the use of material colors to compliment the townhouses across 31st Ave S.

C-2 <u>Architectural Concept and Consistency</u>. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

At The Early Design Guidance Meeting, the Board noted this guideline as highest priority and it will be reviewed at the Recommendation phase.

At the Recommendation Meeting the Board asked for further clarification about the orientation and shape of the bays projecting into the right-of-way and were satisfied with the applicant's response of relating to solar access and interior layout of the units.

C-3 <u>Human Scale</u>. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

At the Early Design Guidance Meeting the Board indicated this guideline as highest priority but made no specific comments.

At the Recommendation Meeting the Board stated the project has been successful in addressing this guideline.

C-4 <u>Exterior Finish Materials</u>. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

At the Early Design Guidance Meeting, the Board agreed that they would like the exterior building materials to match the materials of the existing structures in the surrounding neighborhood commercial zone.

At the Recommendation Meeting the Board advised the applicant to carefully consider the proportions of the corten steel elements. They advised the applicant to consider a different pattern of the painted cement panels on the east and north elevations that are meant to mimic the steel panels along the street frontage. The Board encouraged the edge of the street canopy to read as steel.

C-5 <u>Structured Parking Entrances</u>. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

At the Early Design Guidance Meeting, the Board discussed this item at length. The Board strongly encouraged the applicant to minimize the visual appearance of the parking garage entry off S Day St. Options to consider are requesting a departure from the sight triangle and tightening up the entry; consider 'pushing' the parking back into the building by providing fewer parking spaces. See Departures for further comments.

At the Recommendation Meeting the Board encouraged and granted a departure to use mirrors to replace the site triangle function thus reducing the size of the opening into the garage.

D. Pedestrian Environment

D-1 <u>Pedestrian Open Spaces and Entrances</u>. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

At the Early Design Guidance Meeting, the Board noted this guideline as highest priority and will expect to review this issue at the Recommendation phase.

At the Recommendation Meeting the Board asked for clarification and stated their concern about weather protection for the residents as access to the units will be from the open courtyard. The applicant clarified that the unit entries will be covered by the floor slabs above them.

D-2 <u>Blank Walls</u>. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

At the Early Design Guidance Meeting, the Board voiced concern over the proposed blank walls that abut the north and east properties. They would like the applicant to investigate ways to provide visual interest or screen the walls.

At the Recommendation Meeting the Board indicated they support and encourage the applicant to work with the abutting residential neighbors and to provide landscaping to screen the blank walls along the north and west property lines.

D-6 <u>Screening of Dumpsters, Utilities, and Service Areas.</u> Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

At the Early Design Guidance Meeting, the Board stated that screening of dumpsters and service areas was of high importance and will review how this is achieved at the Recommendation meeting.

At the Recommendation Meeting the Board noted the applicant should provide landscaping to mitigate the appearance of the service doors to the solid waste area. See the recommended conditions at the end of the report.

D-7 <u>Personal Safety and Security</u>. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

At the Early Design Guidance Meeting, the Board stated that the commercial frontage should be designed to provide a strong presence of security.

At the Recommendation Meeting the Board stated the project has been successful in addressing this guideline.

D-9 <u>Commercial Signage</u>. Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

At the Early Design Guidance Meeting, the Board stated they want uniform signage concept plan that will "pull" pedestrians toward the retail spaces.

At the Recommendation Meeting the Board expressed their support of the proposed colorful blade signage for each retail space.

D-10 <u>Commercial Lighting</u>. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

At the Early Design Guidance Meeting the Board indicated this guideline as highest priority but made no specific comments. See D-7.

At the Recommendation Meeting the Board expressed their support of the proposed commercial lighting.

D-11 <u>Commercial Transparency</u>. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

At the Early Design Guidance Meeting, the Board noted this guideline as highest priority and will expect to review this issue at the Recommendation phase

At the Recommendation Meeting the Board stated the project has been successful in addressing this guideline.

D-12 <u>Residential Entries and Transitions</u>. For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

At the Early Design Guidance Meeting, the Board stated that they would like to see more detail of this area. Landscaping should be provided at the residential entry.

At the Recommendation Meeting the Board discussed the screening of the open stair at the residential entry, with the vertical steel elements. They suggested providing more space between the vertical elements at the street level. The applicant explained their concern with providing privacy at the lower level; the Board was satisfied with this answer.

E. Landscaping

E-1 <u>Landscaping to Reinforce Design Continuity with Adjacent Sites</u>. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

At the Early Design Guidance Meeting, the Board sated that they would like the applicant to investigate saving the tree at the NW corner of the lot.

At the Recommendation Meeting the Board expressed their support of the applicant working with the residents of the abutting residential projects to provide landscaping. See Guideline D-2.

The Board questioned why there was no landscaping being proposed in the right-of-way. The applicant has worked with SDOT who has determined that no street trees or landscaping is required given the limited sidewalk depth and the location of a bus stop on 31st Ave. S.

E-2 <u>Landscaping to Enhance the Building and/or Site</u>. Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

At the Early Design Guidance Meeting the Board stated they wanted to see more landscaping at the residential entry.

At the Recommendation Meeting the Board encouraged additional landscaping at the southern edge of the interior courtyard. The Board conditioned the project to provide additional landscaping along S. Day St. See Departure #1.

DEVELOPMENT STANDARD DEPARTURES

The following departures were requested at the Final Recommendation meeting:

1. **Street Level Development Standards (SMC 23.47A.008.B.2)** The Land Use Code requires sixty percent of the street-facing facade between 2 feet and 8 feet above the sidewalk shall be transparent. The applicant is proposing a reduction of transparency along S Day St. from 60% to 55.25%. This is due to enclosing the bike parking area with a solid wall due to security concerns. Instead of an opaque window the applicant is proposing a lush green screen.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines E-2 and D-7 by providing the opportunity for more green and landscaping along S. Day St. while providing security for the bike parking area.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed at the end of this report.

2. **Setback Requirements** (**SMC 23.47A.014.B.3**) The Land Use Code requires for a residential structure, a setback is required where it abuts a residential zone. The setback is 15' for portions of the structure higher than 13' up to 40' in height. The applicant is proposing a portion of the east property line wall at the southern corner to be higher than 13' by no more than 11.25". This is due to the grade change on the site and the applicants desire to have a continuous slab at the second level above the 13' first floor.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-7 and E-2 by providing a usable deck for open space and landscaping.

The Board unanimously recommended that DPD grant the departure.

3. **Parking Space Standards (SMC 23.54.030.E)** The Land Use Code requires a 22' parking aisle width for medium sized vehicles. The applicant is asking for a 20' wide aisle. This will allow for a more generous depth for the street front retail uses along 31st Ave S.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-8 and C-5 by reducing the size of the curb cut and presence of the garage entry along S. Day St.

The Board unanimously recommended that DPD grant the departure.

4. **Site Triangle (SMC 23.54.030.G)** The Land Use Code requires a 10' x 10' site triangle on both sides of a 20' wide two way driveway. The applicant proposed a reduced triangle on both sides. This would allow for a less intrusive garage entry and more space for the solid waste and bike parking uses. The Board felt that given the small number of parking spaces and low vehicle use of S. Day St. the safety of pedestrians at the garage entry would be adequately served by mirrors on each side.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-8 and C-5 by reducing the size of the curb cut and presence of the garage entry along S. Day St.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed at the end of this report.

5. **Setback Requirements (SMC 23.47A.014.B.5)** The Land Use Code requires no openings in facades within 5' of the property line. The applicant has located an emergency exit door with 5' of the north property line.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-2 and D-11 by allowing for uninterrupted commercial store frontage along 31st Ave S.

The Board unanimously recommended that DPD grant the departure.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or b. Exceeds the authority of the Design Review Board; or
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or d. Conflicts with the requirements of state or federal law.

Subject to the following conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

BOARD RECOMMENDATIONS

At the conclusion of the Recommendation meeting on August 6, 2013, the Board recommended approval of the project with the following conditions:

- 1. Additional landscaping should be provided along S. Day St especially near the solid waste enclosure. (D-7, E-2)
- 2. The type and location of building materials at the street level facade of S. Day St. should be unified to provide a more cohesive design. (C-2)
- 3. Mirrors will be placed at both sides of the garage entry to replace the function of the site triangle. (C-5, D-7)
- 4. The edge of the steel canopy above the store frontages should have the appearance of steel. (C-4)
- 5. The orange painted cement panels at the north and east elevations should enhance those elevations and not mimic the steel panels at the street front elevations. (C-2)

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

Five members of the Southeast Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated February 24, 2013. The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file, and pertinent comments which may have been received regarding this proposed action have been considered.

As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality.

PUBLIC COMMENT:

The public comment period ended on April 10, 2013 and May 01. 2013. Public comments were received.

SHORT TERM IMPACTS

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other greenhouse gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant. The other types of emissions are considered under the use-related impacts discussed later in this document. SEPA conditioning is not necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675.A.

Excavation of Contaminated Soils

The site was a former service station and has contaminated soils that will be removed prior to construction of the project. Approximately 9,500 truck cubic yards of contaminated soil will be removed from the site. Approximately 7,500 truck cubic yards of backfill will be added to the site.

The applicant is participating in the Department of Ecology's volunteer clean-up program and the project will be required to comply with the requirements of the State of Washington's Model Toxic Clean-up Act (70.105D RCW) and (WAC 173-340) known as MTCA.

Noise

The project is expected to generate loud noise during soil removal, backfill, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends. Some of the surrounding properties are developed with housing and will be impacted by construction noise.

The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM. The applicant may modify this condition by contacting the assigned Land Use Planner.

Construction Parking and Traffic

During construction, parking demand is expected to increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Increased trip generation is expected during the proposed soil removal, backfill and construction activity. The immediate area is subject to traffic congestion during the PM peak hours on 24th Ave NW and nearby arterials, and large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted.

To mitigate construction parking impacts and other haul truck trip impacts, the applicant shall submit a Construction Haul Route for approval by Seattle Department of Transportation. This plan may include a restriction in the hours of truck trips to mitigate traffic impacts on nearby arterials and intersections. Evidence of this approved plan shall be provided to DPD prior to the issuance of demolition, grading, and building permits.

LONG TERM IMPACTS

Long term or use-related impacts are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Parking and Traffic

The project will add traffic to local streets. Based on rates from the Institute of Transportation Engineers' Trip Generation manual (8th edition), and adjusting for nearby transit opportunities, the project is expected to generate approximately 200 daily auto trips, with 15-20 of these trips occurring in each of the morning and afternoon peak hours. This amount of additional traffic is not expected to result in a noticeable impact on the local roadway system. The project would provide 21 parking stalls for the 18 residential units, which is expected to be sufficient parking to meet residents' needs even at peak times. The retail uses will generate some parking demand that will not be accommodated on-site; customers and others driving to the site likely will park on nearby streets. As some trips to the retail uses will be made on foot or by transit, the amount of on-street parking is not expected to be large, and no significant adverse impacts are likely to result.

DPD's Transportation Planner has determined that the additional peak hour trips and parking demand do not contribute significant adverse impacts requiring mitigation. Accordingly, no mitigation of parking and traffic impacts is required.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

DETERMINATION OF NONSIGNIFICANCE

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC <u>197-11-355</u> and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Demolition, Grading, or Building Permit

- 1. The applicant shall provide a copy of a Construction Haul Route approved by Seattle Department of Transportation.
- 2. If the applicant intends to work outside of the limits of the hours of construction described in condition #3, a Construction Noise Management Plan shall be required, subject to review and approval by DPD, and prior to a demolition, grading, or building permit, whichever is issued first. The Plan shall include proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach

efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short - term transportation impacts that result from the project.

During Construction

3. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, soil removal, backfill, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside of the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the undersigned Land Use Planner at least 3 days in advance of the request in order to allow DPD to evaluate the request.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Issuance of a Building Permit

- 4. Additional landscaping should be provided along S. Day St especially near the solid waste enclosure.
- 5. The type and location of building materials at the street level facade of S. Day St. should be unified to provide a more cohesive design.
- 6. Mirrors will be placed at both sides of the garage entry to replace the function of the site triangle.
- 7. The edge of the steel canopy above the store frontages should have the appearance of steel.
- 8. The orange painted cement panels at the north and east elevations should enhance those elevations and not mimic the steel panels at the street front elevations.

Prior to Certificate of Occupancy

9. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov).

Application No. 3013904 Page 17

10. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov).

For the Life of the Project

11. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov).

Signature:	(signature on file)	Date:	August 15, 2013
C	Beth Hartwick, Senior Land Use Planner		
	Department of Planning and Development		

BH:drm

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